

TENTATIVE RULINGS for CIVIL LAW and MOTION

August 3, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **Baggarly v. DR Horton, Inc.**

Case No. CV CV 07-2737

Hearing Date: **August 3, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiffs' motion to compel further responses to the second set of special interrogatories, numbers 1-5 and the second request for production of documents, numbers 2-3 is **GRANTED** as follows:

Plaintiffs' motion to compel further responses to the second set of special interrogatories, numbers 4 & 5 is **GRANTED**. Defendant is to provide further responses by August 15, 2009. The information sought in those interrogatories is directly relevant to the plaintiffs' allegations and the information is not sensitive in nature.

However, special interrogatory numbers 1-3 and requests for production of documents numbers 2 and 3, seek confidential information of third party employees whose rights to privacy may be violated by the production of the information responsive to those requests. This raises the question of whether the defendant notified or should notify the third parties of plaintiffs' discovery requests so that they can have a fair opportunity to object. (*Valley Bank of Nevada v. Superior Court* (1975) 15 Cal.3d 652, 658; *Colonial Life & Accident Ins. Co. v. Superior Court* (1982) 31 Cal.3d 785.) The Court directs the parties to submit supplemental briefs regarding this issue by August 7, 2009. A further hearing will be held on August 17, 2009, at 9:00 a.m. in Department 15.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Fortis Capital, LLC v. Rubalcava**
Case No. CV G 09-1179

Hearing Date: **August 3, 2009** **Department Fifteen** **9:00 a.m.**

Defendant Maria Rubalcava's demurrer is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff stated facts sufficient to state a cause of action for breach of contract. (*Scolinos v. Kolts* (1995) 37 Cal.App.4th 635, 640.)

Defendant shall file an answer by August 13, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Ramos Oil Co., Inc. v. Liang**
Case No. CV CV 09-1377

Hearing Date: **August 3, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff Ramos Oil Co., Inc.'s application for right to attach order is **GRANTED**. (Code Civ. Proc., §§ 483.010, 483.015, subd. (b), 484.090 and 431.70; Wiley Declaration filed on June 22, 2009, ¶¶ 1, 3-11 and Exhibit 1 thereto; Exhibit 1 to the complaint.) The amount to be secured by the attachment is \$48,442.62.

The application for an order for issuance of a writ of attachment against Joe Nian Z Liang aka Joe Liang aka Joe N. Liang, individually and dba Green Petro is **GRANTED**. (Code Civ. Proc., § 489.210.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.